

KILPATRICK TOWNSEND & STOCKTON LLP  
CHRISTOPHER T. VARAS (Bar No. 32875)  
CVaras@kilpatricktownsend.com  
1420 Fifth Avenue, Suite 3700  
Seattle, WA 98101  
Telephone: 206-516-3088  
Facsimile: 206-623-6793

Attorneys for Petitioner  
BBC Worldwide Limited t/a BBC Studios (Distribution)

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

**IN RE: DMCA SECTION 512(h)  
SUBPOENA TO MICROSOFT, INC.**

Case No.: 2:18-cv-1135

**BBC WORLDWIDE LIMITED T/A BBC STUDIOS (DISTRIBUTION)'S REQUEST TO THE CLERK FOR ISSUANCE OF A SUBPOENA PURSUANT TO 17 U.S.C. § 512(h) TO IDENTIFY ALLEGED INFRINGERS**

Petitioner BBC Worldwide Limited t/a BBC Studios (Distribution) (“BBC Studios”), by and through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a subpoena directed to Microsoft, Inc. (“Microsoft”) to identify an alleged infringer or infringers, pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h) (the “Subpoena”). A copy of the proposed Subpoena is attached hereto as Exhibit 2 to the Declaration of Christopher T. Varas (“Varas Decl.”).

The requested subpoena relates to infringing material that BBC Studios discovered on the website <onedrive.live.com>, which BBC Studios is informed and believes is operated by Microsoft. The infringing material includes, without limitation, an unauthorized copy of copyrighted video content from Season 11, Episode 1 of Doctor Who, for which BBC Worldwide Limited t/a BBC Studios (Distribution) is the exclusive licensee.



1 BBC Studios has satisfied the requirements for issuance of a subpoena pursuant to 17  
2 U.S.C. § 512(h), namely:

- 3 (1) BBC Studios has submitted a copy of the notification required by 17 U.S.C. §  
4 512(c)(3)(A). *See* Varas Decl. ¶ 3, Ex. 1.
- 5 (2) BBC Studios has submitted the proposed Subpoena concurrently herewith. *See*  
6 Varas Decl. ¶ 5, Ex. 2.
- 7 (3) BBC Studios has submitted a sworn declaration confirming that the purpose for  
8 which the Subpoena is sought is to obtain the identity of the alleged infringer or  
9 infringers, and that such information will only be used for the purpose of protecting  
10 rights under Title 17 U.S.C. § 512(h)(2). *See* Varas Decl. ¶ 4.

11 Because BBC Studios has complied with the statutory requirements, BBC Studios  
12 respectfully requests that the Clerk expeditiously issue and sign the proposed Subpoena pursuant  
13 to 17 U.S.C. § 512(h)(4) and return it to the undersigned counsel for service on the subpoena  
14 recipient.

15  
16 DATED: August 2, 2018

Respectfully submitted,

17 KILPATRICK TOWNSEND & STOCKTON LLP

18  
19 By:



20 CHRISTOPHER T. VARAS

21 Attorneys for Petitioner BBC Worldwide Limited t/a  
22 BBC Studios (Distribution)